

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

15

DECISION

TOPIC Final Rule--Chapter 106, Deer Hunting by Residents

The Commission is requested to adopt a final rule to amend Chapter 106, "Deer Hunting by Residents."

The amendments list tentative county quotas for antlerless deer licenses and the counties that will be open during the November and January antlerless season. The amendments simplify the language describing who may obtain antlerless deer licenses and when they may be issued. The dates for the youth and special disabled hunter deer season were made consistent with Chapter 94. The amendments remove the six-shot-clip restriction on center-fire rifles for the January antlerless season. The amendments add a requirement that hunters in ground blinds during the shotgun seasons shall display solid blaze orange on the exterior of the blind. The amendments clarify the procedures used by the depredation program when writing depredation plans and issuing depredation licenses or shooting permits.

Approximately 100 comments were received. The vast majority of the comments asked that the antlerless quotas not be reduced and that the January antlerless season be available in the same counties. Several comments asked that the depredation program remain available to eligible landowners.

The changes from the notice that affect the deer season are: 1) add 10,250 antlerless licenses to the paid county antlerless quotas; 2) keep the same counties open for the January antlerless season as in 2006 and; 3) extend the January season by one week with the season ending on January 27th.

The changes from the notice that affect the depredation program: 1) remove wording about damage to trees on CRP or in natural woodlands and; 2) allow producers facing substantial damage before a regular hunting season opens to enter into a depredation plan and be issued out-of-season shooting permits. Deer killed on these permits must be recovered and processed for consumption.

Additionally in Item #8 a change to Iowa code (SF 435) allows youth hunters who were unsuccessful in the youth season to use that license in other seasons that are open for deer of either sex.

Ken Herring, Administrator
Conservation and Recreation Division
June 14, 2007

Attachment: Chapter 106-Final Rule

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 106, "Deer Hunting by Residents," Iowa Administrative Code.

The amendments list tentative county quotas for antlerless deer licenses and the counties that will be open during the November and January antlerless season. The amendments simplify the language describing who can obtain antlerless deer licenses and when they may be issued. The dates for the youth and special disabled hunter deer season were made consistent with Chapter 94. The amendments remove the 6 shot clip restriction on center-fire rifles for the January antlerless season. The amendments add a requirement that hunters in ground blinds during the shotgun seasons display solid blaze orange on the exterior of the blind. The amendments clarify the procedures used by the depredation program when writing depredation plans and issuing depredation licenses or shooting permits.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 28, 2007, as ARC 5803B. A public hearing was held on April 19, 2007. About 100 comments were received. The vast majority of the comments asked that the antlerless quotas not be reduced and that the January antlerless season be available in the same counties. Several asked that the depredation program remain available to eligible landowners. The changes from the notice that affect the deer season are 1) add 13,050 antlerless licenses to the paid county antlerless quotas; 2) keep the same counties open for the January antlerless season as in 2006 and 3) extends the January season by week so the season ends on January 27th. The changes from the notice that affect the depredation program are 1) removes wording about damage to trees on CRP or in natural woodlands and 2) rewrites the rule to allow producers facing substantial damage before a season opens to enter into a depredation plan and be issued out of season shooting permits. Deer killed on these permits must be recovered and processed for consumption.

Additionally in Item #8 a change to Iowa code (SF 435) allows youth hunters who were unsuccessful in the youth season to use that license in other seasons that are open for deer of either sex.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendments are proposed.

ITEM 1. Amend subrule 106.2(5) as follows:

106.2(5) January antlerless-deer-only season. Antlerless deer may be taken from January 11 through the ~~second~~ third following Sunday.

ITEM 2. Amend subrule 106.6(2) as follows:

106.6(2) Paid antlerless-deer-only licenses. Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached. ~~The season that may be hunted with paid antlerless-deer-only licenses and the number that may be purchased depend on the season for which any deer licenses have been purchased.~~

~~a. Bow season. A person who purchases a paid any deer bow license may purchase antlerless deer only licenses, but the type and number that may be purchased depend on the season for which the paid any deer firearm license is purchased (see paragraphs "b" through "f"). Prior to October 1, if no paid any deer firearm license is purchased, the following paid antlerless deer only licenses may be purchased in any combination: up to three paid antlerless-~~

~~deer-only licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of antlerless-deer-only licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

~~b. First regular gun season. Prior to October 1, a person who purchases a paid any-deer license for the first regular gun season may purchase the following paid antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season, and late muzzleloader season. Up to three antlerless-deer-only licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons. A person obtaining a paid license for the first regular gun season may not obtain a paid license of any type for the second regular gun season.~~

~~c. Second regular gun season. Prior to October 1, a person who purchases a paid any-deer license for the second regular gun season may purchase the following paid antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, second regular gun season and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons. A person obtaining a paid license for the second regular gun season may not obtain a paid license of any type for the first regular gun season.~~

~~d. Early muzzleloader season. Prior to October 1, a person who purchases an any-deer license for the early muzzleloader season may purchase the following paid antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

~~e. Late muzzleloader season. Prior to October 1, a person who purchases a paid any-deer late muzzleloader season license may purchase the following paid antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

~~f. Paid any-deer license not purchased. Prior to October 1, a person who has not purchased a paid any-deer license for any season may purchase the following antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of these licenses may be purchased. A person may not obtain paid licenses of any type for both regular gun seasons.~~

a. Paid antlerless-deer-only licenses may be purchased for any season in counties where licenses are available except as outlined in 106.6(2)"b." They must be used in the season, county or deer population management area selected at the time the license is purchased.

b. No one may obtain paid licenses for both the first regular gun season and second regular gun season regardless of whether the licenses are valid for any-deer or antlerless-deer-only. Paid antlerless-deer-only licenses for the early muzzleloader season can only be purchased by hunters who have already purchased one of the 7,500 paid statewide any-deer licenses.

c. Prior to September 15 a hunter may purchase 1 antlerless-deer-only license for any season for which they are eligible. Beginning September 15 a hunter may purchase an unlimited number of antlerless-deer-only licenses for any season they are eligible as defined in 571--106.6(2)"b" until the county or population management area quotas are filled. Licenses purchased for deer population management areas will not count in the county quota.

ITEM 3. Amend subrule 106.6(3) as follows:

106.6(3) November antlerless-deer-only season. Antlerless-deer-only licenses for the November antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, Benton, Bremer, Buchanan, Cass, Cedar, Chickasaw, Clarke, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dubuque, Fayette, Fremont, Guthrie, Harrison, Henry, Howard, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, and Winneshiek, and Woodbury. Beginning the second Saturday prior to the opening of the November antlerless-deer-only season, an unlimited number of paid antlerless-deer-only licenses may be purchased for the November antlerless-deer-only season. These licenses may be obtained regardless of any other paid any-deer or paid antlerless-deer-only licenses that may have been obtained. Licenses will be sold until county quotas are filled.

ITEM 4. Amend subrule 106.6(4) as follows:

106.6(4) January antlerless-deer-only licenses. Antlerless-deer-only licenses for the January antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, Benton, Bremer, Buchanan, Cass, Cedar, Chickasaw, Clarke, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dubuque, Fayette, Fremont, Guthrie, Harrison, Henry, Howard, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Winneshiek, and Woodbury. ~~Prior to October 1, a person may purchase up to three antlerless-deer-only licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of licenses may be obtained until quotas are filled. January antlerless-deer-only licenses may be obtained regardless of any other deer licenses that may have been obtained.~~

ITEM 5. Amend subrules 571--106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	1750	Floyd	250	Monona	950
Adams	1850	Franklin	150	Monroe	3000
Allamakee	4500	Fremont	1100	Montgomery	1000
Appanoose	3300	Greene	150	Muscatine	1700
Audubon	100	Grundy	0	O'Brien	0

Benton	1000	Guthrie	3000	Osceola	0
Black Hawk	0	Hamilton	100	Page	1300
Boone	500	Hancock	0	Palo Alto	0
Bremer	500	Hardin	400	Plymouth	100
Buchanan	300	Harrison	1000	Pocahontas	0
Buena Vista	0	Henry	2000	Polk	1000
Butler	250	Howard	800	Pottawattamie	1300
Calhoun	0	Humboldt	0	Poweshiek	750
Carroll	100	Ida	0	Ringgold	2500
Cass	800	Iowa	1200	Sac	0
Cedar	1000	Jackson	1800	Scott	800
Cerro Gordo	0	Jasper	1000	Shelby	250
Cherokee	0	Jefferson	2000	Sioux	0
Chickasaw	600	Johnson	2000	Story	400
Clarke	1700	Jones	1500	Tama	800
Clay	0	Keokuk	1700	Taylor	2300
Clayton	5500	Kossuth	0	Union	1900
Clinton	1200	Lee	2500	Van Buren	5000
Crawford	150	Linn	1900	Wapello	2000
Dallas	1800	Louisa	1500	Warren	1800
Davis	3300	Lucas	1600	Washington	2150
Decatur	2800	Lyon	0	Wayne	2500
Delaware	1400	Madison	2000	Webster	100
Des Moines	2000	Mahaska	1100	Winnebago	0
Dickinson	0	Marion	1350	Winneshiek	3500
Dubuque	2000	Marshall	500	Woodbury	950
Emmet	0	Mills	1000	Worth	100
Fayette	2500	Mitchell	250	Wright	0

ITEM 6. Amend subrule 106.7(5) as follows:

106.7(5) January antlerless-deer-only season. Bows, shotguns, muzzleloaders and handguns as described in this rule may be used during the January antlerless-deer-only season. Centerfire rifles .24 caliber or larger may be used ~~during the last seven days of the season in the southern two tiers of counties. For deer hunting, semiautomatic rifles may have no more than six rounds in the chamber and magazine combined.~~

ITEM 7. Adopt the following **new** subrule 106.7(8):

106.7(8) Ground blinds. No person shall use a ground blind for hunting deer during the regular gun deer seasons unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. As used in this rule, “ground blind” is defined as a constructed place of concealment used for the purpose of hiding a person who is hunting from sight. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.

ITEM 8. Amend subrule 106.10(2) as follows:

106.10(2) Season dates. Deer of either sex may be taken statewide during ~~the 16-day period that ends on the first Sunday in October~~ 16 consecutive days beginning on the third

Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during the early muzzleloader, late muzzleloader and one of the shotgun seasons. The license will be valid for the type of deer and in the area specified on the original license. A youth hunting in one of these seasons must obtain a hunting license and habitat stamp or hunt with a licensed adult if required by Iowa code (483A.24). If the tag is filled during one of the seasons the license will not be valid in subsequent seasons.

ITEM 9. Amend rule 571--106.11(481A) as follows:

571--106.11(481A) Deer depredation management. The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops may be issued deer depredation permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation permits may be issued before an agreement is signed. Further permits will not be authorized until an agreement is signed.

106.11(1) Method of take and other regulations. Legal weapons and restrictions will be governed by 571-106.7 (481A). For deer shooting permits only, there are no shooting hour restrictions but taking deer with an artificial light is prohibited by Iowa code 481A.93. The producer or designee must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122 .

106.11(2) Eligibility. Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.

b. Excessive damage is defined as crop losses exceeding \$1,000 in a single growing season, or the likelihood that damage will exceed \$1,000 if preventive action is not taken, or a documented history of at least \$1,000 damage annually in previous years.

c. Producers who lease their deer hunting rights are not eligible for the deer depredation management program.

d. Crops in confined storage areas (such as hay, grain, silage, corn gluten, etc.) will not be considered eligible unless exclusionary measures (such as fencing, gates, etc.) have been implemented to protect the agricultural product.

106.11(3) Depredation management plans. Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage sustained from deer. If damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage. If damage is excessive and the producer agrees to participate, a written depredation management plan will be developed by depredation biologists ~~the field employee~~ in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans written for producers of typical agricultural crops may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, temporary fencing, allowing more hunters, increasing the take of antlerless deer, and other measures that may prove effective.

(2) Depredation plans written for producers of high-value horticultural crops may include all of the measures in (1) above, plus permanent fencing where necessary. Fencing will not be required if the cost of a fence exceeds \$1,000.

(3) Depredation permits to shoot deer may be issued to Iowa residents ~~only~~ to temporarily reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

(1) The plan will become effective when signed by the depredation biologist ~~field employee of the wildlife bureau~~ and the producer.

(2) Plans may be modified or extended if mutually agreed upon by the department and the producer.

(3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.

106.11(4) Depredation permits. ~~Three~~ Two types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued in blocks of five licenses up to the number specified in the management plan.

(2) Depredation licenses may be sold to individuals designated by the producer as having permission to hunt. No individual may obtain more than ~~two~~ three depredation licenses per management plan. Licenses will be sold by designated department field employees.

~~(3) A depredation license issued to the producer or producer's family member may be the one free license for which the producer's family is eligible annually.~~

~~(4)~~ (3) Depredation licenses will be valid only for hunting antlerless deer, ~~unless otherwise specified in the management plan~~, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

~~(5)~~ (4) Hunters may keep any deer legally tagged with a depredation license.

~~(6)~~ (5) All other regulations for the hunting season specified on the license will apply.

~~(7)~~ (6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph ~~(8)~~ (7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

~~(8)~~ (7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation permits issued to producers within the block hunt zone are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers who have an approved DNR deer depredation plan and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) ~~Permits available to producers of high-value horticultural crops or agricultural crops will allow taking deer from August 1 through March 31. Permits issued for August 1 through August 31 shall be valid only for taking antlered deer. Permits issued for September 1 through March 31 may be valid for taking any deer, antlerless deer or antlered deer, outside of a hunting season depending on the nature of the damage. The number and type of deer to be killed will be determined by a department depredation biologist and will be part of the deer depredation management plan.~~

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved maintains a deerproof fence and signs an agreement with the department.

(5) Disposal of deer killed under these permits shall be coordinated with the local conservation officer. All deer killed must be recovered and processed for consumption.

(5 6) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(6 7) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(7 8) ~~Shooters must wear blaze orange and comply with all other applicable laws and regulations pertaining to shooting and hunting. For out of season shooting permits there are no shooting hour restrictions but taking deer with an artificial light is prohibited by Iowa code 481A.93.~~

e. ~~Agricultural depredation shooting permits. Agricultural depredation shooting permits will be issued to a landowner or designated tenant who is a resident of Iowa who has sustained at least \$1,000 of damage to agricultural crops if the resident is cooperating with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) to reduce crop damage by deer or has an approved DNR deer depredation plan.~~

(1) ~~Agricultural depredation shooting permits will be issued to the resident landowner or designated tenant at no cost and shall be valid only on the farm unit where the damage is occurring.~~

(2) ~~Permits issued to the resident landowner or designated tenant shall allow the taking of antlerless deer from September 1 through November 30. The number of permits issued to~~

~~individual landowners or tenants will be determined by a department depredation biologist and will be part of the deer depredation management plan.~~

~~(3) Deer taken on these permits must be taken by the resident landowner or the designated tenant only.~~

~~(4) Times, places, and other restrictions will be specified on the permit.~~

~~(5) Shooters must wear blaze orange and comply with all other applicable laws and regulations.~~

~~(6) For agricultural depredation shooting permits there are no shooting hour restrictions but taking deer with an artificial light is prohibited by Iowa code 481A.93.~~

~~(7) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.~~

~~(8) Agricultural depredation shooting permits will be valid only on the land where damage is occurring.~~

~~d c.~~ Rescinded IAB 5/29/02, effective 7/3/02.

e d. Depredation licenses, ~~agricultural depredation shooting permits~~ and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

f e. ~~Depredation licenses, agricultural depredation shooting permits~~ and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd. This restriction does not apply in situations where permits are issued for public safety concerns.

106.11(5) Disposal. It shall be the producer's responsibility for shooting permits; ~~excluding those issued for public safety, and for agricultural depredation shooting permits~~ to see that all deer are field dressed and removed immediately from the field. Dead deer must be handled for consumption, and the producer must coordinate through the local conservation officer the disposal of deer offered to the public. Charitable organizations will have the first opportunity to take deer offered to the public. No producer shall keep more than two deer taken under depredation shooting permits. By express permission from a DNR enforcement officer, the landowner may dispose of deer carcasses through a livestock sanitation facility.

Date

Richard A. Leopold, Director

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